REMARKS/ARGUMENTS

In the final Office Action dated January 24, 2007 and the Advisory Action dated April 3, 2007, Claims 1-49 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2003/0169695 to Salo et al. ("Salo") in view of U.S. Patent No. 7,032,003 to Shi et al. ("Shi"). Applicants have amended Claims 1, 14, and 26-42 and have added new Claims 50-53. As explained below, Applicants respectfully submit that the amended claims are patentably distinct from the cited references, taken either alone or in combination. As such, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

The independent claims of the present application generally recite, amongst other things, that the mobile terminal executes a web server application that provides for a remote network device to access the mobile terminal via a network connection. Specifically, amended independent Claim 1 recites a "mobile terminal apparatus . . . comprising a data processing device that executes a web server application . . . and a memory device having the web server application . . . stored therein." Independent Claim 14 recites "providing a mobile terminal that implements a web server application," "initiating a web browser application at a remote network device," and "accessing, at the remote network device, the mobile terminal via a network connection to the web server application of the mobile terminal." Independent Claim 25 recites "a web server application executed by the mobile terminal." Independent Claim 43 recites "a mobile terminal including a first data processing device that executes a web server application" and "a remote network device including a second data processor device that executes a web browser application that provides access to the web server application of the mobile terminal." Although independent Claim 34 does not specifically recite a "web server," Claim 34, as amended, is directed to an application capable of: (1) providing a remote network device access to a mobile terminal by receiving HTTP requests from the remote network device and by responding to such requests with HTTP responses, and (2) providing the remote network device functional access to one or more devices associated with the mobile terminal.

As discussed in the response to the final Office Action, it is well known in the art that a "web server" application comprises software that is configured to accept HTTP requests from

clients (e.g., devices executing web browsers) and serve the clients HTTP responses along with optional data contents such as web pages or other HTML documents and linked objects. *See,* *e.g.*, http://en.wikipedia.org/wiki/web_server. When rejecting the claims of the present application, the Examiner appears to either be ignoring the "web server" recitation in the claims or is mischaracterizing the teachings of the cited references. For example, when rejecting independent Claim 1, the final Office Action submits that Salo discloses "a data processing device that executes a web server application that provides for a remote network device to access the mobile terminal via a wireless communication link." *See* the final Office Action, page 3, paragraph 1. However, by making such a statement, the final Office Action ignores the fact that Claim 1 is directed to <u>a mobile terminal</u> and that the claim recites that the mobile terminal comprises the data processing device and the web server application. Although Salo may disclose a server that provides for communication between a remote device and a mobile terminal, the server in Salo is not the mobile terminal, as is the case in the claimed invention. The final Office Action fails to recognize that independent Claims 1, 14, 25, and 43 recite that the <u>mobile terminal includes a web server application</u> that provides for a remote device to access the mobile terminal (the remote device using, for example, a web browser application). The Salo publication does not, in any way, describe a mobile terminal having a web server application for permitting network devices to remotely access the mobile terminal, as is generally required by the independent claims of the present application.

Similarly, the Shi patent describes a system in which a wireless computing device, such as a PDA, is used to access a database on a server hosted by some other network device. In particular, the Shi patent is directed to synchronizing data on a wireless device with a database in a network server. For example, the wireless device sends a synchronization request to the server. The server receives the request, validates the request, updates the database on the server, and sends a synchronization response to the wireless device. Thus, the Shi patent also does not describe a mobile terminal having a web server application that permits a remote network device to access the mobile terminal, as generally required by the claims of the present application. <u>Instead, like the Salo publication, the Shi patent specifically discloses the opposite of the claimed invention, by disclosing a mobile terminal that accesses a remote server</u>. Therefore, since neither

cited reference discloses a mobile terminal having a web server application that provides a remote device with access to the mobile terminal (or devices associated with the mobile terminal), no combination of the cited references discloses a mobile terminal having such a web server application.

The Advisory Action of April 3, 2007 attempts to dismiss the above arguments by submitting that:

> In this case Shi discloses bi-directional communication between a mobile remote device and a local device (See column 7 lines 62-65). Shi also discloses that it makes no difference which one of the storage devices is called local vs remote, as the different titles are merely to highlight the fact that the storage areas are different. (See column 9 lines 10-23).

By this citation, the Advisory Action seems to be attempting to argue that Shi discloses that the mobile device may perform the role of the server described therein. Such an argument, however, would be a complete mischaracterization of column 9, lines 10-23, of Shi. Specifically, column 9, lines 9-19, of the Shi reference state that:

> The data access manager 415 controls access to the data storage 417. Within this specification the data storage 417 is referred to as the "remote" data storage and data storage on the PDA 101 is referred to as "local" data storage. The designations "local" and "remote" are for convenience only; the data storage 417 could just as easily be called a "local" data storage and the data storage on the mobile computing device be the "remote" depending upon the perspective of the viewer. The designations "local" and "remote" are based merely upon the fact that the two data storages do not reside on the same device.

In other words, this section of the Shi reference only states that the terms "local" and "remote" are used to describe one device relative to another device from the point of view of a particular viewer, e.g., the user of the mobile computing device. This section of Shi in no way states that the mobile terminal could act as the server in the system described by Shi, nor does it teach or suggest that a mobile terminal can perform the functions of a web server.

The Advisory Action further argues that:

> In order to show that the mobile device in Shi discloses a web server application that provides for a remote access device to

> access the mobile terminal via a wireless communication link, the
> examiner only needs to show that there is (a) a web server
> application, (b) said application provides for a remote network
> device to access the mobile terminal, and (c) access is done via a
> wireless communication link.

However, this statement in the Advisory Action is incorrect, at least with regard to independent Claims 1, 14, 25, and 43, since the Examiner must also show that the Shi reference or some other reference discloses that the web server application is stored within the mobile terminal's memory, as recited by independent Claim 1, or that the mobile terminal executes the web server application, as recited by independent Claims 1, 14, 25, and 43. As described above, neither the Shi reference nor the Salo reference, alone or in combination, describes a mobile terminal that executes a web server application. As such, Claims 1, 14, 25, and 43, as well as the claims that depend therefrom, are patentable over the cited references.

With regard to amended independent Claim 34, which is directed to a computer program product for remotely accessing one or more devices associated with a mobile terminal, the Examiner must show that the prior art discloses an application configured for providing a remote network device access to a mobile terminal, wherein the application comprises executable instructions configured for awaiting the receipt of a HyperText Transfer Protocol (HTTP) request from the remote network device and executable instructions configured for responding to a HTTP request received from the remote network device by communicating an HTTP response to the remote network device. As described above, neither the Shi reference nor the Salo reference, alone or in combination, describes such an application. As such, independent Claim 34 and the claims that depend therefrom are patentable of the cited references.

Applicants have also added new Claims 50-53 that further distinguish embodiments of the claimed invention from the teachings of the cited references.
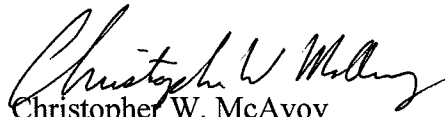
CONCLUSION

In light of the amendments and the remarks presented above, Applicant respectfully submits that the application is in condition for allowance and respectfully requests that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' counsel to discuss any outstanding issues so as to expedite the application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Christopher W. McAvoy
Registration No. 57,055

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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